

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**COMMONWEALTH OF PUERTO RICO,**

et al.,

Defendants.

CIVIL NO. 12-2039 (GAG)

**MOTION FOR DEPOSIT OF FUNDS FOR THE MONITOR'S OFFICE**

TO THE HONORABLE COURT:

COME NOW Defendants Commonwealth of Puerto Rico and the Puerto Rico Police Department ("Defendants" or "PRPB"), by and through the undersigned counsel, and respectfully state and pray as follows:

1. On June 26, 2014, the Court entered an Order for the Establishment of the TCA Office and the Payment of TCA Expenses (Docket No. 139) which provided that, from that point forward, all expenses incurred by the office of the Technical Compliance Advisor ("TCA" or "Monitor") would be paid by the Court from funds deposited with the Clerk of the Court by the Commonwealth.
2. Per the Court's order, prior to the start of a new fiscal year, the Monitor is to submit a proposed budget to the PRPB and the United States Department of Justice (jointly, the "Parties") who are tasked with evaluating and discussing the Monitor's proposed budget "to ensure that the

TCA has sufficient and necessary resources to carry out his duties under the agreement.” Docket No. 139, ¶16.

3. Former Monitor Arnaldo Claudio (“Former Monitor”) submitted a proposed budget of \$1,867,892.48 for fiscal year 2019-2020, which is the first full year of compliance monitoring under the Agreement for the Sustainable Reform of the PRPB. The Former Monitor’s proposal included a \$368,000.00 increase from the prior fiscal year which he attributed to additional resources that would be required for the monitoring phase.

4. Although the Parties and the Former Monitor met to discuss the proposed budget, the Parties were not in a position to evaluate the budget insofar as an approved methodology was needed in order to properly evaluate whether the methodological approaches undertaken therein justified increased funding. *See* Docket Nos. 1174 and 1183 (United States Department of Justice’s Motions for Extension of Time to Submit Position on the Monitor’s Proposed Budget).

5. In order to ensure that the funds intended for use by the Monitor’s staff would be available for the 2019-2020 fiscal year, the Parties agreed that the PRPB would deposit the \$1,867,892.48 requested by the Former Monitor with the Clerk of the Court, but the Former Monitor would not be able to spend more than \$1,494,833.91 until such time as the Parties and the Former Monitor agreed on a final budget.

6. The Former Monitor has since resigned from his position and there is a new Acting Monitor with budgetary needs that must be discussed with and approved by the Parties.

7. As originally agreed, today the PRPB will deposit with the Clerk of the Court check number 00274428 in the amount of \$1,867,893.00. However, use of such funds should be subject to prior evaluation and approval by the Parties.

**WHEREFORE**, Defendants respectfully requests the Court take NOTICE of the above and GRANT Defendant's motion with any additional relief it deems just and proper.

**RESPECTFULLY SUBMITTED.**

**WE HEREBY CERTIFY:** That today we have electronically filed the foregoing document with the Clerk of the Court for the District of Puerto Rico, using the CM/ECF system which will send a copy and notification of filing to all counsel of record.

In San Juan, Puerto Rico, this 30th day of May, 2019.

By:

*s/ Arturo J. Garcia Sola*  
Arturo J. Garcia Sola  
USDC-PR No. 201903  
ajg@mcvpr.com

*s/ Maria A. Dominguez*  
Maria A. Dominguez  
USDC-PR No. 210908  
madt@mcvpr.com

*s/ Javier Micheo Marcial*  
Javier F. Micheo Marcial  
USDC-PR No. 305310  
jfmm@mcvpr.com

**McCONNELL VALDÉS LLC**  
PO Box 364225  
San Juan, PR 00936-4225  
Telephone (787) 250-5641  
Fax: (787) 759-8282